

#354  
1 BILL NO. Z-88-07-16

2 ZONING MAP ORDINANCE NO. Z-

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. R-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is  
8 hereby designated a RA (Suburban Residential) District under  
9 the terms of Chapter 33 of the Code of the City of Fort  
10 Wayne, Indiana of 1974:

11 Part of the Richardville Reserve, West of St. Mary's  
12 River in Township 30 North, Range 12 East, Allen  
13 County, Indiana, described as follows:

14 Commencing at the Southwest corner of Lot 5 of said  
15 Richardville Reserve; thence Northeasterly along the  
16 Northwesterly line of said Lot 5 on an assumed bearing  
17 of North 26 degrees 30 min. 00 sec. East 1430.3 feet;  
18 thence South 76 degrees 38 min. 18 sec. East 471.08  
19 feet; thence North 41 degrees 21 min. 42 sec. East  
20 227.55 feet; thence South 48 degrees 38 min. 18 sec.  
21 East 262.01 feet; thence North 26 degrees 30 min. 00  
22 sec. East 670.00 feet; thence North 76 degrees 38 min.  
23 18 sec. West 272.12 feet to the Westerly right of way  
24 line of Mill Run Drive and the Point of Beginning;  
25 thence North 76 degrees 38 min. 18 sec. West 488.76  
26 feet to the Easterly right of way line of Baer Field  
27 Thruway; thence Northeasterly along said right of way  
28 line and along an arc to the left having a radius of  
29 2934.79 feet and a cord bearing North 21 degrees 03  
30 min. 20 sec. East 123.43 feet, a distance of 123.44  
31 feet; thence North 20 degrees 20 min. 52 sec. East,  
32 continuing along said right of way line 98.34 feet to  
the West line of Lot 5 of said Richardville Reserve;  
thence North 26 degrees 30 min. 00 sec. East,  
continuing along said right of way line and along said  
West line of Richardville Reserve a distance of 119.03  
feet to the Southerly right of way line of Lower  
Huntington Road; thence South 76 degrees 38 min. 18  
sec. East along said right of way line 251.47 feet;  
thence North 13 degrees 21 min. 42 sec. East continuing  
along said right of way line 5.00 feet; thence South 76  
degrees 38 min. 18 sec. East, continuing along said  
right of way line 221.15 feet to the Westerly right of  
way line of Mill Run Drive; thence South 19 degrees 00  
min. 00 sec. West along said right of way 299.58 feet;  
thence South 26 degrees 30 min. 00 sec. west continuing  
along said right of way line 43.86 feet to the Point of  
Beginning; containing 3.78 acres more or less and  
subject to easements and rights of way of record.

and the symbols of the City of Fort Wayne Zoning Map No. K-  
27, as established by Section 11 of Chapter 33 of the Code



#354

of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Shirley B. Reed  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOX RIVER BOND  
25% COTTON



Read the first time in full and on motion by Redd,  
seconded by Redd, and duly adopted, read the second time by  
title and referred to the Committee on Regulation (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Conference Room 128, City-County Building,  
Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_  
of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock 11, M., E.S.T.

DATE: 7-12-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by Redd, and duly adopted, placed on its  
passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	<u>✓</u>	_____
<u>LONG</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 9-27-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST:

SEAL

Sandra E. Kennedy, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

Sandra E. Kennedy, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

\_\_\_\_\_  
PAUL HELMKE, MAYOR

RECEIPT

No 2784

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6-16 1988

RECEIVED FROM

Barrett, + Mc Nagny

\$

150.00

THE SUM OF

one hundred + fifty

DOLLARS

ON ACCOUNT OF

reopening - 50.00  
develop plan - 100.00

AUTHORIZED SIGNATURE



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED JUNE MAY 1988

INTENDED USE \_\_\_\_\_

I/We Willow Creek Ltd., an Indiana Limited Partnership  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
Indiana, by reclassifying from a/an POD District to a/an RA  
District the property described as follows:

See Exhibit "A" attached hereto and by this reference incorporated  
herein

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one  
percentum (51%) or more of the property described in this petition.

Willow Creek Ltd.

c/o Sentry Management

Services, Suite 110

5201 Coldwater Road

Fort Wayne, IN 46825

(Name)

(Address)

[Signature]  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

John M. Clifton, Jr.  
(Name)

215 E. Berry St. Ft. Wayne, IN 46802 (219) 423-9551  
(Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing  
approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

Owners of Property

Willow Creek Ltd., an	c/o Sentry Management	
Indiana Limited Partnership	Suite 110	
	5201 Coldwater Road	
	Fort Wayne, IN 46825	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.



OWENS

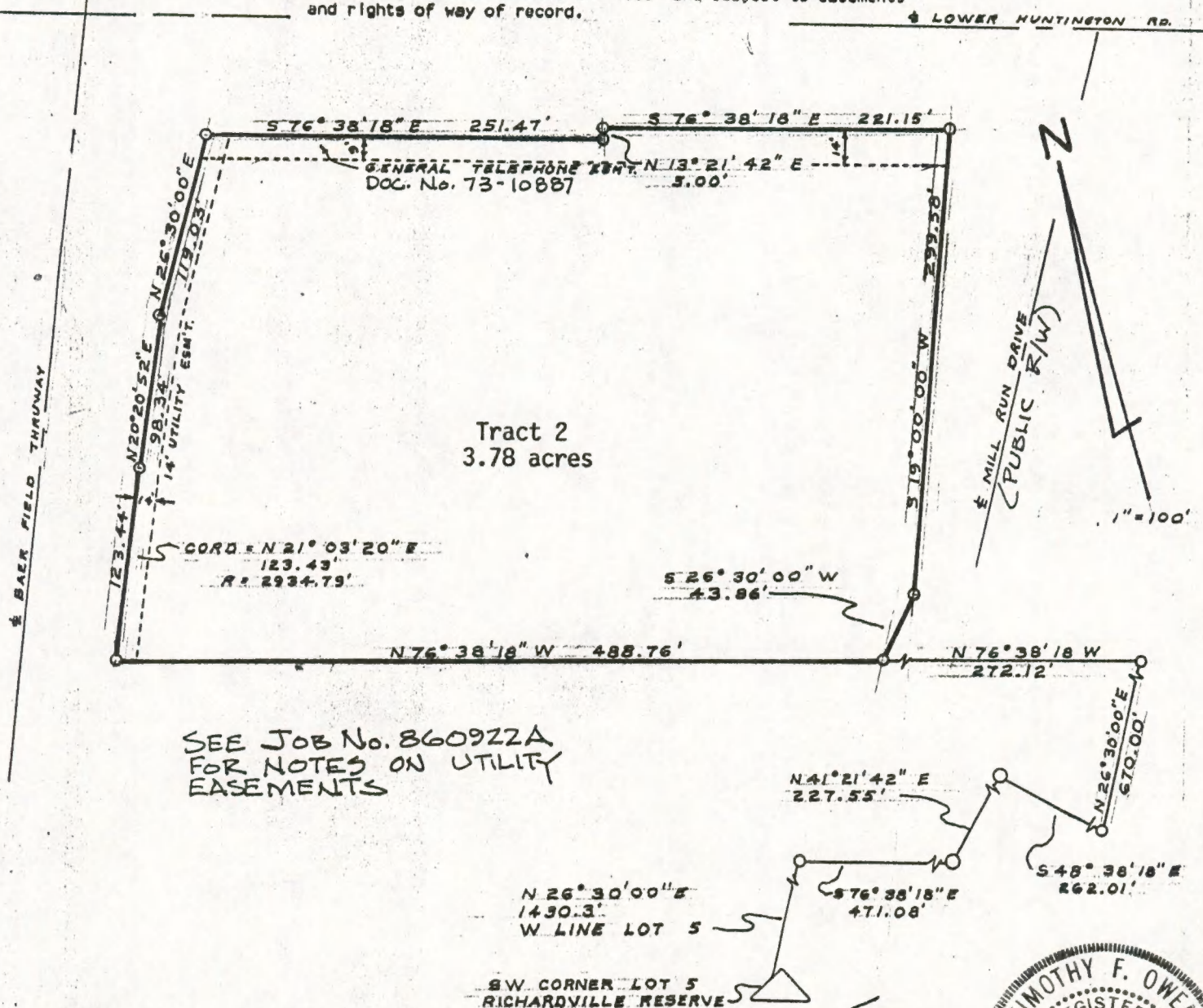
RUSSELL ASSOCIATES

1402 EAST STATE BLVD.  
FORT WAYNE, IN. 46805  
PHONE: 484-7500

## Legal Description

Part of Richardville Reserve, West of St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at the Southwest corner of Lot 5 of said Richardville Reserve; thence Northeasterly along the Northwestern line of said Lot 5 on an assumed bearing of North 26 deg. 30 min. 00 sec. East 1430.3 feet; thence South 76 deg. 38 min. 18 sec. East 471.08 feet; thence North 41 deg. 21 min. 42 sec. East 227.55 feet; thence South 48 deg. 38 min. 18 sec. East 262.01 feet; thence North 26 deg. 30 min. 00 sec. East 670.00 feet; thence North 76 deg. 38 min. 18 sec. West 272.12 feet to the Westerly right of way line of Mill Run Drive and the Point of Beginning; thence North 76 deg. 38 min. 18 sec. West 488.76 feet to the Easterly right of way line of Baer Field Thruway; thence Northeasterly along said right of way line and along an arc to the left having a radius of 2934.79 feet and a cord bearing North 21 deg. 03 min. 20 sec. East 123.43 feet, a distance of 123.44 feet; thence North 20 deg. 20 min. 52 sec. East, continuing along said right of way line 98.34 feet to the West line of Lot 5 of said Richardville Reserve; thence North 26 deg. 30 min. 00 sec. East, continuing along said right of way line and along said West line of Richardville Reserve a distance of 119.03 feet to the Southerly right of way line of Lower Huntington Road; thence South 76 deg. 38 min. 18 sec. East along said right of way line 251.47 feet; thence North 13 deg. 21 min. 42 sec. East continuing along said right of way line 5.00 feet; thence South 76 deg. 38 min. 18 sec. East, continuing along said right of way line 221.15 feet to the Westerly right of way line of Mill Run Drive; thence South 19 deg. 00 min. 00 sec. West, along said right of way 299.58 feet; thence South 26 deg. 30 min. 00 sec. West continuing along said right of way line 43.86 feet to the Point of Beginning; containing 3.78 acres more or less and subject to easements and rights of way of record.



CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS





RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

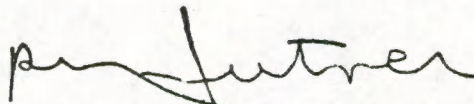
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 22, 1988.

Certified and signed this  
25th day of August 1988.



Robert Hutner  
Secretary



#354

ORIGINAL

ORIGINAL

DIGEST SHEET

Z-88-07-16

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management- CD&P

**SYNOPSIS OF ORDINANCE** A 2 Acre tract lying South of Lower Huntington Road, West of Mill Run Drive, and East of Baer Field Thruway.

**EFFECT OF PASSAGE** Property is presently zoned P.O.D. - Professional Office District. Property will become RA - Suburban Residential.

**EFFECT OF NON-PASSAGE** Property will remain P.O.D. - Professional Office District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_



# FACT SHEET

Z-88-07-16

BILL NUMBER

## Division of Community Development & Planning

### BRIEF TITLE

### APPROVAL DEADLINE

### REASON

Zoning Ordinance Amendment

From P.O.D. to RA

### DETAILS

<b>Specific Location and/or Address</b> Lower Huntington Road, just east of Baer Field Thruway, and west of Mill Run Drive.
<b>Reason for Project</b>  To re-incorporate this land into the overall Planned Unit Development (a P.O.D. may not be included in a P.U.D.) which was approved in 1971.
<b>Discussion (Including relationship to other Council actions)</b> <u>18 July 1988 - Public Hearing</u>  See attached minutes of public hearing.  <u>22 August 1988 - Business Meeting</u>  This was not acted on at the July Business Meeting at the request of the petitioner who received a deferral from the Commission.  Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.  Of the eight (8) members present five (5) voted in favor of the motion, two (2) voted against the motion and one (1) did not vote.

### POSITIONS

### RECOMMENDATIONS

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/Proponents</b>	Applicant(s) Willow Creek Ltd, Inc.  City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b> Boris Kuzeff, 1006 L Huntington Rd/Geo Hoger, 7829 Knightswood Dr <b>Basis of Opposition</b> -no need for more commercial development in area; development would add to traffic congestion in area
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass



**DETAILS**

**POLICY/ PROGRAM IMPACT**

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

**Project Start**

**Date** 16 June 1988

**Projected Completion or Occupancy**

**Date** 25 August 1988

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**

**Reference or Case Number**

**Date**

20 August 1988



a. Change of Zone #354

From POD to RA

A 2 acre tract south of Lower Huntington Road, west of Mill Run Drive and east of Baer Field Thruway.

Public Hearing on an Amendment to a PUD for a Primary Development

a. Willow Creek Crossing

John Clifton, attorney, for the petitioners questioned if they would be considering the change of zone and the amendment to the PUD as well as the development plan as one.

Ms. Stam stated that they would consider them all at one time.

Mr. Clifton stated that they are dealing with a 3.78 acre area which is undeveloped. Mr. Clifton stated that in 1971 the Commission granted a PUD to Ralph Shirmeyer a developer, who was at that time developing Mill Run Apartments. He stated a portion of that development was to be limited commercial consisting of square footage not to exceed 23,600 sq ft. He stated it was all contingent upon the developer having enough apartments built within the time frame given under the PUD. He stated that the Mill Run Apartment Complex did not develop that rapidly and the developer was unable to satisfy the minimum number of apartments that was required. He stated that under the rules the PUD portion of that application lapsed by passage of time and not sufficient construction. He stated that in 1987 a 1.72 acre tract located on the same side of Lower Huntington Road and to the east of the area in question was given a POD designation. He stated that at the present time there are 582 apartments in Willow Creek and over 1,000 residents. He stated that a number of residents have said that it would be worthwhile, particularly for the elderly and for those who have families with small children, if there were facilities close by within the apartment area so that the residents of the apartments could be served by a grocery or beauty salon. He stated that they have proposed on the 3.78 acre a Planned Unit Development consisting of one limited commercial facility, including a small convenience store, a beauty salon, a barber shop and perhaps a video rental store. He stated that this Phase I would cover approximately 12,000 sq ft under roof. He stated that Phase II would be at the more southerly end of the project with professional offices consisting of approximately 5,000 sq ft. He stated that Phase III would be for a bank or credit union consisting of approximately 3,000 sq ft. He stated that they are not trying to put a commercial shopping center in the middle of anything. He stated their plan shows no outlet onto either Baer Field Expressway or Lower Huntington Road. He stated it will have the effect of reducing traffic on Lower Huntington because the only outlet they are requesting is onto Mill Run Drive, which is contained within the Willow Creek Apartment Complex. He stated that it is in conjunction with the PUD that they are asking to that the POD



designation currently upon the 3.78 acre tract be downgraded to an RA. He stated that in the even that the Commission would not see fit grant Willow Creek Limited approval of the PUD amendment they would withdraw the requested rezoning from POD to RA.

The following people spoke in opposition to the proposed rezoning.

Boris Kuzeff, 1006 Lower Huntington Road  
George Hoyer, 7829 Knightswood Drive, Pres. Avalon Neigh Assn  
Resident, 6830 Hiltonia Drive, Pres. Lakeshores Neigh Assn

The opposition pointed out that there was no need in the area for additional commercial facilities and that this would only add to the traffic congestion in the area.

In rebuttal Mr. Clifton stated he would like to reemphasize that if in fact the only outlet is from Mill Run Drive, there would tend to be a lessening of traffic going onto Lower Huntington because of the fact that residents who live there and drive cars would not be traversing the streets for these limited items.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.



*Held for  
Councilman Long.  
9/2/88  
Held - Sept 27.*

BILL NO. Z-88-07-16

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City  
of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

*Janet G. Bradbury*  
JANET G. BRADBURY  
CHAIRPERSON  
*Mark E. GiaQuinta*  
MARK E. GIAQUINTA  
VICE CHAIRMAN  
*Charles B. Redd*  
CHARLES B. REDD  
*David C. Long*  
DAVID C. LONG  
*Paul M. Burns*  
PAUL M. BURNS

CONCURRED IN 9-27-88

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

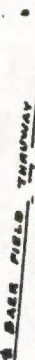


#354



1 BARR FIELD THRUWAY

1



## LAND USE:

☐

lw